

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE - N/S of Joppa Rd., 120' W of Mason Ave. (2810 E. Joppa Road) 9th Election District 6th Councilmanic District

BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 89-433-XA

Robert C. Shade
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to permit a Class B office building in an R-O zone, pursuant to Section 203.3B.2(A) of the Baltimore County Zoning Regulations (B.C.Z.R.), and variances to permit a front yard setback of 7.3 feet in lieu of the required average of 18.5 feet; side yard setbacks of 6 feet and 16 feet in lieu of the required 20 feet for each, and to allow landscape buffers to the extent possible in lieu of the required 20 feet, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by William J. Shade, Petitioner's son, appeared, testified, and was represented by Frank X. Gallagher, Esquire. Also appearing on behalf of the Petition was Clyde F. Hinkle, Engineer with W. Duval & Associates. There were no Protestants.

Testimony indicated that the subject property, known as 2810 E. Joppa Road, consists of 8,350 sq.ft. zoned R.O., and is presently improved with a two story Class A office building. Testimony indicated that the subject building has been used for the past four years by Shade Commercial and Industrial Company as its front office headquarters. Petitioners propose expanding the building with the enclosure of a first floor porch and an addition to the second floor for another office, as set forth in Petitioner's Exhibit 1. Testimony indicated the total floor area for the

building will increase from 1,715 sq.ft. to 2,115 sq.ft. Specifically, the porch enclosure will provide an additional 78.75 sq.ft. to the first floor and the second floor addition will add another 322 sq.ft. Even with the proposed additions, the floor area ratio for this building is .253 which is well under the .33 limits imposed by the B.C.Z.R. Testimony further indicated that there are no construction equipment or materials stored on the site and that the use proposed is purely for office space.

With respect to the requested variances, testimony indicated the subject property is very narrow and a reduction in the amenity open space buffer resulted in order to provide adequate parking for the original building. Testimony indicated that most of the site is not in compliance with the 20-foot buffer requirement; however, the proposed changes to the existing structure will not have any further impact on the side or front buffer requirements. All of the testimony presented indicated the requirements of Section 502.1 and 307 would be met by this project.

Prior to the hearing, Petitioners revised the Petition for Zoning Variance. In view of the fact that the amended Petition was not filed in time to correct the advertising and posting notices, Petitioners were advised that the hearing would be continued. As such, a continued hearing on the new Petition for Variance was held on May 19, 1989 at 11:00 AM.

The new Petition for Variance requests a front yard setback of 4.8' in lieu of the required 16 feet due to the request made by the Bureau of Highways for an additional 3 feet for the widening of Joppa Road at this location. Further, an amenity open space of 0% in lieu of the required 7% is being requested for the interior of the parking lot. Thirdly, landscape buffer variances of 0'-4' on the east, 0'-8' on the west, 8'-17' on the north, and 0'-4.8' on the south have been specified in lieu

- 2 -

of the original request. Petitioner's Exhibit 1 has been revised to properly reflect all the new variances.

It is clear that the B.C.Z.R. permits the use proposed in a R.O. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone.

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

- 3 -

his property. Moran v. Riley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant, as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of May, 1989 that the Petition for Special Exception to permit a Class B office building in an R-O zone, pursuant to Section 203.3B.2(A) of the Baltimore County Zoning Regulations (B.C.Z.R.), and the revised Petition for Zoning Variance to permit a front yard setback of 4.8 feet in lieu of the required average of 16 feet; side yard setbacks of 6 feet and 16 feet in lieu of the required 20 feet for each, an amenity open space of 0% in lieu of the required 7% in the interior of the parking lot, and to allow landscape buffers of 0'-4' on the east side, 0'-8' on the

- 4 -

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-433-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for Class B office building in an R-O zone, in accordance with Section 203.3B.2(A) of the B.C.Z.R. (Conversion from existing class 'A' office building.)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

| | |
|------------------------------------------|-----------------------------------------------------------------------------------------------------|
| Contract Purchaser: | Legal Owner(s): |
| N/A | Robert C. Shade |
| (Type or Print Name) | (Type or Print Name) |
| Signature | Signature |
| Address | (Type or Print Name) |
| City and State | <u>X Robert C. Shade</u> |
| Attorney for Petitioner: | 2810 E. Joppa Road |
| Frank X. Gallagher | P.O. Box 28324 (301) 665-5300 |
| (Type or Print Name) | Address Phone No. |
| Signature | Baltimore, Maryland 21234 |
| City and State | Name, address and phone number of legal owner, contract purchaser or representative to be contacted |
| 210 E. Lexington Street | W. Duval & Associates, Inc. (Clyde Hinkle) |
| Address | 530 E. Joppa Road, 21204 583-9571 |
| Baltimore, Maryland 21202 | Address Phone No. |
| City and State | (Representative) |
| Attorney's Telephone No.: (301) 576-2000 | 1st day |

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 9th day of May, 1989, at 10 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

S.C.O.-No. 1

(over)

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-433-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 203.4C.3, 203.4C.4, 203.4C.5, and 203.4C.8.1 to allow a front yard setback of 7.3 ft. in lieu of the required front average of 18 ft.; to allow side yard setbacks of 6 ft. and 16 ft. in lieu of the required 20 ft. each; to permit 0% amenity open space in the interior of the parking lot in lieu of the required 7%; to permit Eastside (0'-11'), Westside (0'-11'), Northside (0'-17'), and Southside (0'-4.8') landscape buffers in lieu of the minimum required 20 feet for each.

liu of the required 20 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The building and parking area are existing, therefore setbacks and buffer areas are predetermined.

The proposed construction is a 321.88 square foot second floor addition in the rear of building and conversion of existing 1st floor enclosed porch to office use and addition of one parking space in existing parking lot.

Current owner/user would be unable to continue business in current location if requested relief is not granted.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

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|------------------------------------------|-----------------------------------------------------------------------------------------------------|
| Contract Purchaser: | Legal Owner(s): |
| N/A | Robert C. Shade |
| (Type or Print Name) | (Type or Print Name) |
| Signature | Signature |
| Address | (Type or Print Name) |
| City and State | <u>Robert C. Shade</u> |
| Attorney for Petitioner: | 2810 E. Joppa Road |
| Frank X. Gallagher | P.O. Box 28324 (301) 665-5300 |
| (Type or Print Name) | Address Phone No. |
| Signature | Baltimore, Maryland 21234 |
| City and State | Name, address and phone number of legal owner, contract purchaser or representative to be contacted |
| 210 E. Lexington Street | W. Duval & Associates, Inc. (Clyde Hinkle) |
| Address | 530 East Joppa Road, 21204 583-9571 |
| Baltimore, Maryland 21202 | Address Phone No. |
| City and State | (Representative) |
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J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

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Variance from Section 203.4C.3, 203.4C.4, 203.4C.5, and 203.4C.8.1 to permit a 4.8' front setback in lieu of the required average 16 ft.; to permit side yard setbacks of 6 ft. and 16 ft. in lieu of the required 20 ft. each; to permit 0% amenity open space in the interior of the parking lot in lieu of the required 7%; to permit Eastside (0'-11'), Westside (0'-11'), Northside (0'-17'), and Southside (0'-4.8') landscape buffers in lieu of the minimum required 20 feet for each.

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| (Type or Print Name) | (Type or Print Name) |
| Signature | Signature |
| Address | (Type or Print Name) |
| City and State | <u>Robert C. Shade</u> |
| Attorney for Petitioner: | 2810 E. Joppa Road |
| Frank X. Gallagher | P.O. Box 28324 (301) 665-5300 |
| (Type or Print Name) | Address Phone No. |
| Signature | Baltimore, Maryland 21234 |
| City and State | Name, address and phone number of legal owner, contract purchaser or representative to be contacted |
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J. Robert Haines
Zoning Commissioner of Baltimore County.

(over)

RECEIVED
MAY 3 1989
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

May 25, 1989

Frank X. Gallagher, Esquire
210 E. Lexington Street
Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
N/S Joppa Road, 120' W of Mason Avenue
(2310 E. Joppa Road)
9th Election District - 6th Councilmanic District
Robert C. Shade - Petitioner
Case No. 89-433-XA

Dear Mr. Gallagher:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File



Dennis F. Rasmussen
County Executive

February 9, 1989
Zoning Description of 2810 E. Joppa Road- 0.157 Acre Parcel

Beginning for the same at a point on the north side of Joppa Road, 70 feet wide, said point being 120' west of the intersection of centerlines of Joppa Road and Mason Avenue; thence binding on the north side of Joppa Road the following course and distances:
1.) North 79 degrees 28 minutes West 50 feet, thence leaving said Joppa Road for the following three courses and distances:
1.) North 10 degrees 32 minutes East 137 feet, and
2.) S 79 degrees 28 minutes East 50 feet, and
3.) South 10 degrees 32 minutes West 137 feet, to the point of beginning.

Containing 0.157 acres of land, more or less.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

| NAME | ADDRESS |
|--------------------|-------------------------------------------------------|
| Clyde F. Hinkle | N. Duvall & Assoc. 530 E. Joppa Rd. Towson, Md. 21204 |
| Frank X. Gallagher | 210 E. Lexington St. 21202 |
| William J. Shade | 2810 East Joppa Rd. 21204 |

89-433XA

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

Mr. Robert C. Shade
2810 E. Joppa Road
Baltimore, Maryland 21204

RE: Petitions for Special Exception and Zoning Variance
CASE NUMBER: 89-433-XA
N/S Joppa Road, 120' W Mason Avenue
2810 E. Joppa Road
9th Election District - 6th Councilmanic District
Petitioner(s): Robert C. Shade
HEARING SCHEDULED: THURSDAY, MAY 4, 1989 at 10:00 a.m.

Dear Mr. Shade:

Please be advised that \$119.83 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 106, 111 W. Chesapeake Avenue, Towson, Maryland 21204, 15 minutes before

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 5/4/89 ACCOUNT: R-01-615-000
AMOUNT: \$ 119.83
RECEIVED FROM: Robert C. Shade
FOR: PA 5/4/89 Hearing 89-433-XA
VALIDATION OR SIGNATURE OF CASHIER
B 037*****1983a 004.F

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500
Paul H. Reincke
Chief

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: Robert C. Shade
Location: 2810 E. Joppa Road
Item No.: 344

Zoning Agenda: February 28, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: [Signature] 5/2/89
Planning Group
Special Inspection Division

NOTED & APPROVED: [Signature]
Fire Prevention Bureau

/s/

2023

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333
J. Robert Haines
Zoning Commissioner

March 20, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Exception and Zoning Variance
CASE NUMBER: 89-433-XA
N/S Joppa Road, 120' W Mason Avenue
2810 E. Joppa Road
9th Election District - 6th Councilmanic District
Petitioner(s): Robert C. Shade
HEARING SCHEDULED: THURSDAY, MAY 4, 1989 at 10:00 a.m.

Special Exceptions Class B office building in an R-O zone, in accordance with Section 203.3.B.2(A) of the B.C.Z.R. (Conversion from existing class "A" office building). Variance to allow a front yard setback of 7.3 ft. in lieu of the required front average of 18 ft.; to allow side yard setbacks of 6 ft. and 16 ft. in lieu of the required 20 ft. each and to allow landscape buffers to the extent possible in lieu of the required 20 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. Robert C. Shade
Frank X. Gallagher, Esq.
File

89-433-XA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
1st day of March, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Robert C. Shade
Petitioner's Attorney: Frank X. Gallagher, Esquire
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 17, 1989

Frank X. Gallagher, Esquire
210 E. Lexington Street
Baltimore, MD 21202

RE: Item No. 344, Case No. 89-433-XA
Petitioner: Robert C. Shade
Petition for Special Exception and
Zoning Variance

Dear Mr. Gallagher:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 6, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 6, 1989.

HE NORTHEAST TIMES
THE JEFFERSONIAN,

S. Zabe Orlean
Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petitions for Special Exception and Zoning Variance
CASE NUMBER: 89-433-XA
N/S Joppa Road, 120' W Mason Avenue
2810 E. Joppa Road
9th Election District - 6th Councilmanic District
Petitioner(s): Robert C. Shade
HEARING SCHEDULED: THURSDAY, MAY 4, 1989 at 10:00 a.m.

Special Exceptions: Class B office building in an R-O zone, in accordance with Section 203.3.B.2(A) of the B.C.Z.R. (Conversion from existing class "A" office building). Variance to allow a front yard setback of 7.3 ft. in lieu of the required front average of 18 ft.; to allow side yard setbacks of 6 ft. and 16 ft. in lieu of the required 20 ft. each and to allow landscape buffers to the extent possible in lieu of the required 20 ft. each.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
JAN4008, Apr. 8, 1989

\$9.83

NTY REVIEW GROUP COMMENTS
JECT NAME: Shade Construction Company
E: 4/14/89
E 2

Signs -- Include a scale profile of any proposed signs or include the scale sign located on the building elevations. Eight sq. ft., non-illuminated, building sign is permitted per Section 203.3.c.1. If the 1.74 sq. ft. door sign is the only sign visible outdoors that is proposed, so note this in Note #28.

Use -- Clarify that the use is general office in the parking calculations.

Include the height by zoning policy RM-6 method on the elevation drawings; enlarge the vicinity map to 1"=1,000' with the property outline and include a 1"=200' zoning map with the property plotted with the zoning hearing application. Provide a larger turn-around area in the parking lot; reference previously issued building permits #67018, 67019 (#C-962-84) for the Class "A" office building and lots #17 and #18 on plat of "Carney View" 7/90; also use Baltimore County coordinate points.

Final zoning approval would be subject to the resolution of all comments and the outcome of the public hearing requests.

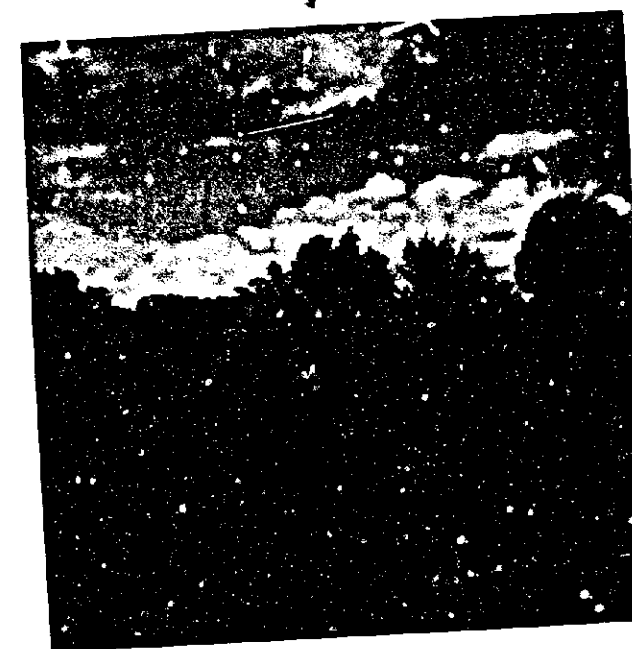
WCR
W. CARL RICHARDS, JR.
Zoning Coordinator

CR:scj

ADDITIONAL ADDED FOR 4/6/89 PLAN

7. Update and correct or eliminate the duplicate notes and corrected plan print details on the landscape plan. Complete and correct the parking calculations in note # 134
2115.63 divided by 1000 X 3.3 = 6.98 spaces required.

PETITIONER(S) EXHIBIT (4)



SHADE CONSTRUCTION CO., INC.

2810 E. JOPPA ROAD, P.O. BOX 28324, BALTIMORE, MARYLAND 21234

GENERAL CONTRACTORS

(301) 688-8300

DESCRIPTION OF ADJACENT DWELLINGS

2808 E. Joppa Road

Exterior aluminum siding
Asphalt shingle roofing
Concrete stoop
Concrete sidewalk approach
Double hung exterior windows w/storm windows
Asphalt driveway with concrete apron
Grass lot with shrubbery

2810 E. Joppa Road (Shade Construction Co., Inc.)

Exterior vinyl siding
Asphalt shingle roofing
Concrete stoop
Concrete sidewalk approach
Double hung exterior windows w/storm windows
Asphalt driveway with concrete apron
Grass lot with shrubbery

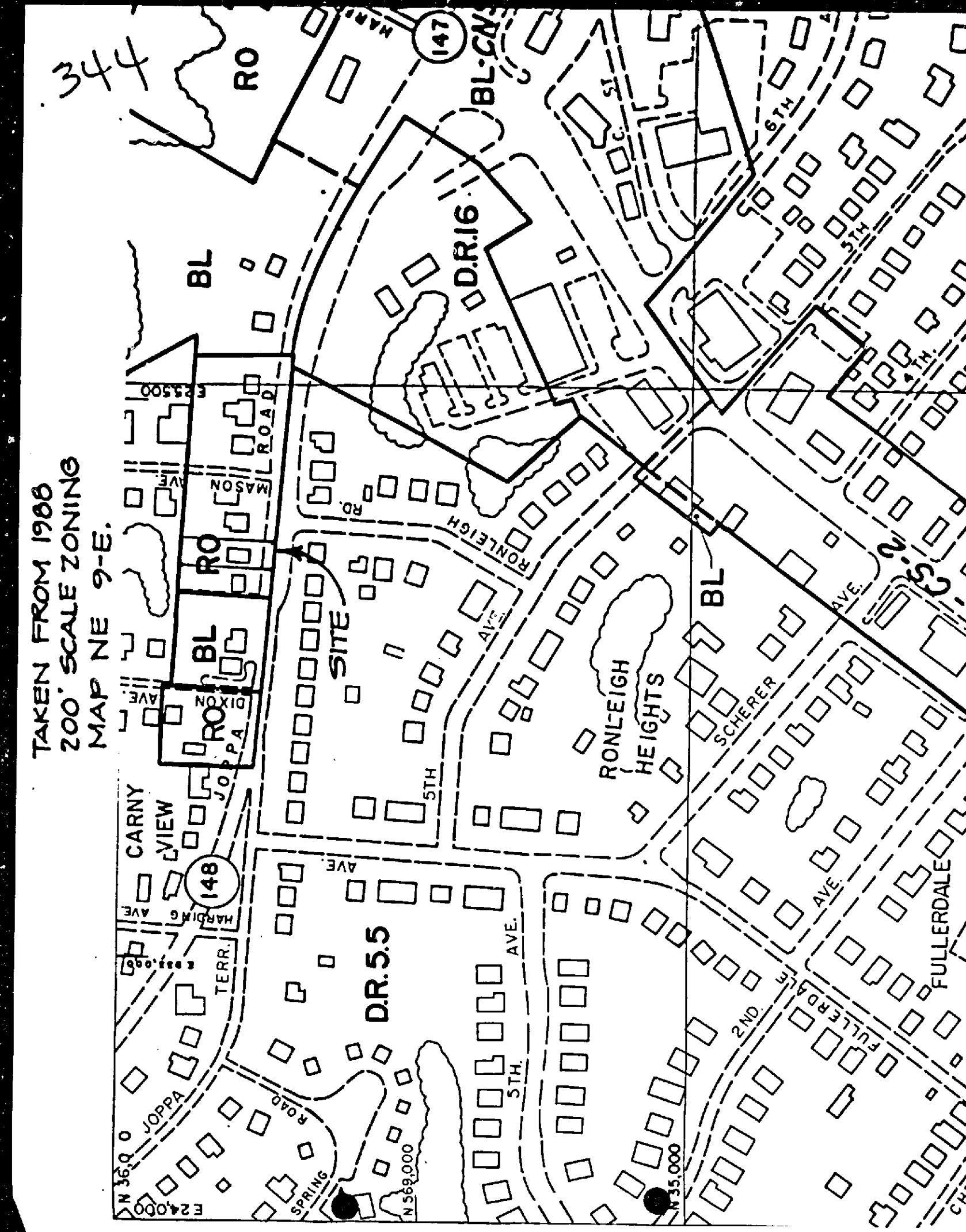
2812 E. Joppa Road

Exterior aluminum siding
Asphalt shingle roofing
Concrete stoop
Concrete sidewalk approach
Double hung exterior windows w/storm windows with shutters
Asphalt driveway with concrete apron
Grass lot with shrubbery

2814 E. Joppa Road

Brick exterior with asbestos shingles above
Asphalt shingle roofing
Concrete stoop
Concrete sidewalk approach
Double hung exterior windows w/storm windows with shutters
Concrete driveway with concrete apron - approach from Mason Avenue
Grass lot with shrubbery

PETITIONER'S
EXHIBIT 5



SITE DATA

1. **Site Area**
Gross Area 8,350 S.F. = 0.191 Ac.
Net Area 6,850 S.F. = 0.157 Ac.

2. **Zoning**
Existing R.O.
Proposed R.O.

3. **Site Use**
Existing - General Offices - Class 'A'
Proposed - General Offices - Class 'B'

4. **Proposed Building**
Existing Building
First Floor 1,161 Sq. Ft.
Second Floor 544 Sq. Ft.
Total 1,705 Sq. Ft.
Proposed Building
First Floor 1,239.75 Sq. Ft.
Second Floor 875.88 Sq. Ft.
Total 2,115.63 Sq. Ft.
Proposed Additional Square Footage
First Floor 78.75 Sq. Ft.
Second Floor 121.88 Sq. Ft.
Total 400.63 Sq. Ft.

5. **Councilman District - 6**
6. **General Tract - 4922**
7. **Water Shed - 4**
8. **Sub Sewer - 18**
9. **Deed Reference 6705/773** also being known as part of Lot Numbers 17 & 18 on the Plat of Carney View, MC No. 7, Folio 79.
10. **The Assessor 609261860**

CALCULATIONS

11. **Floor Area Ratio**
Allowed = 0.33
Existing = $\frac{\text{Bldg. S.F.}}{\text{Gross Area}} = \frac{1,715}{8,350} = 0.205$
Proposed = $\frac{\text{Bldg. S.F.}}{\text{Gross Area}} = \frac{2,115.63}{8,350} = 0.253$

12. **Building Height**
Allowed = 35'
Existing = 11.2' (Max)
Proposed = 11.2' (Max)

13. **Parking**
Required (3.33/1,000 S.F.) General Office
Floor Area 2,115.63 x 3.33 = 705.10
1,000
Existing = 6 Parking Spaces
Proposed = 7 Parking Spaces

14. **ADT's**
Existing 1,715 x 18 = 30.87 trips
1,000
Proposed 2,115.63 x 18 = 38.08
1,000

It is anticipated that no increase in A.D.T.'s will be experienced as building addition is to provide file storage room, and additional working space. It is not anticipated that additional employees will be hired or that trips to or from the site would increase.

15. **Amenity Open Space**
Required = 7% of the interior of the parking lot not including setback and buffer area requirements, shall be previous land area in association with plantings.
7% x 2,880.5 S.F. = 201.6 S.F. required
Proposed = No Amenity Open Space Proposed

SITE NOTES

16. No other buildings exist or are proposed for this site.
17. Anticipated Hours of Normal Operations: 7:00 A.M.-6: P.M.
18. **Number of Employees**
Existing = 5 full time, 2 part time
Proposed = 5 full time, 2 part time
19. **Public Transportation**
Site is served by MTA Route 19.
20. There are no Wetlands, Critical Areas, Archeological Sites, Endangered Species Habitats, Hazardous Materials Sites, or Historic Buildings within the site boundaries.
21. **Topography**
Topographic Features and elevations were taken from Baltimore County 50 scale position sheet 36N17.
22. **Boundary**
Property lines shown hereon have been established from deeds and plats of record and are not the result of a land survey.

23. **Landscape**
A landscaping plan shall be prepared as required.
A modification to the Landscape Manual requirement, of 8' planting strip adjacent to parking area to allow a 6' planting strip, will be requested.
24. **Lighting**
No additional outside lighting is proposed.
25. **Handicapped Requirements**
A waiver of Handicapped Requirements for this site was granted 7/5/84 by the Maryland Department of Economic & Community Development.
26. **Storm Water Management**
A Storm Water Management Exception was Granted 2/22/89.
27. **Previous CNG**
This site was the subject of a County Review Group (CRG) Meeting, June 28, 1984 (Shade Construction Company Office Building). CRG Approval was Granted.

ENGINEERS
W. DUVALL & ASSOCIATES INC.
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21204
PHONE 301-583-0571

NOTES CONTINUED

28. **Signs**
Proposed:
Exterior signs shall be erected in compliance with current Baltimore County Sign Regulations and appropriate approvals will be secured.
Existing:
The surface area of the existing sign painted on the glass of the front door of the building is 1.74 square feet. No additional outdoor visible signage is proposed.

29. **Previous Permits Issued**
#67018, C-942-84: Change of Occupancy
#67019, C-942-84: Disclosure of Floor Plans, Construct New Interior Partitions for Office.
#67020, C-942-84: Siting.

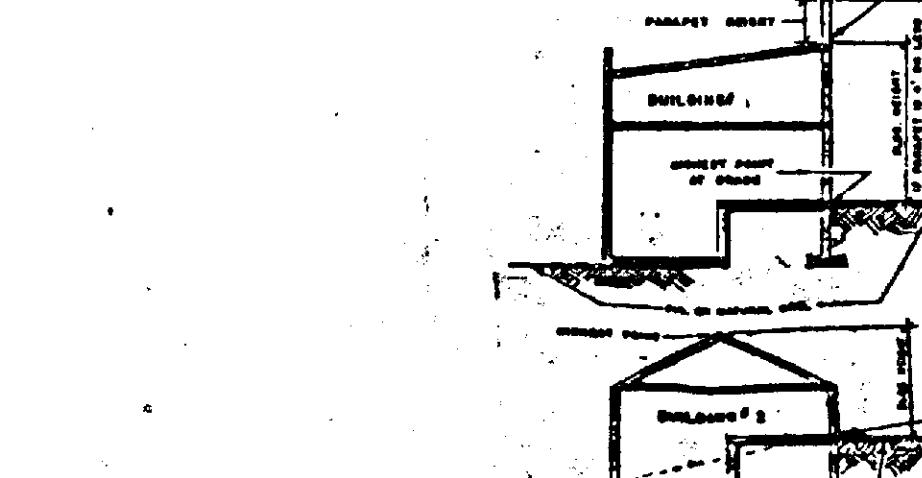
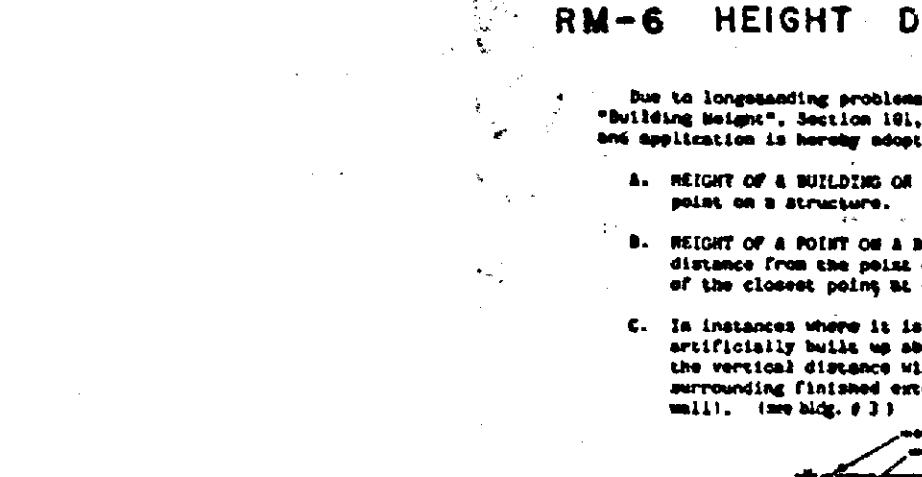
ZONING NOTES

1. Petition for Zoning Variance from Sections 203.4 C.3, 203.4 C.4, 203.4 C.5, and 203.4 C.5.1. To allow a front yard setback of 4.8 ft. in lieu of the required front average of 10 ft; to allow side yard setbacks of 6 ft. and 16 ft. in lieu of the required 20 ft. each; to allow 0% amenity open space in lieu of the required 7% and to permit Rasteride (8'-4"), Westside (0'-8"), Northside (8'-17"), and Southside (0'-4") landscape buffers in lieu of the minimum required 20 ft. for each.
2. Petition for special exception to use the property for Class "B" Office Building in an R-O Zone, in accordance with Section 203.5.B.2(A) of the B.C.F.R. (Conversion from existing Class "A" Office Building.)
3. Zoning item number for the above referenced petitions is 344.
4. The Zoning hearing for the above referenced variances and special exception is scheduled for May 4, 1989 at 10:00 a.m.

RM-6 HEIGHT DETERMINATION
8/22/85

Due to longstanding problems resulting from the present definition of "building height", Section 101, 1975, B.C.R., the following height definition and application is hereby adopted as an official policy (8/22/85):

A. HEIGHT OF A BUILDING OR OTHER STRUCTURE: The height of the highest point on a structure.
B. HEIGHT OF A ROOF OR A BUILDING OR OTHER STRUCTURE: The vertical distance from the point on the structure to the horizontal projection of the highest point at exterior grade.
C. In instances where it is obvious that the exterior grade has been artificially built up above natural or surrounding finished grade, the vertical distance will be measured by projecting the natural or surrounding finished exterior grade to the closest point (foundation wall). (See Bldg. 4.1.3)



| Number | Description | Date |
|--------|--------------------------------------------------------------------------------------|---------|
| 1 | Revised Building Calculations (Note #11) Per Planning Comment | 4/6/89 |
| 2 | Referred to General Office Per Zoning Comment | 4/6/89 |
| 3 | Revised Note #15 and 28 Per Zoning Comment | 4/6/89 |
| 4 | Revised Note #26 | 4/6/89 |
| 5 | Added Note #5 28-30 and Zoning Notes Per Zoning Comment | 4/6/89 |
| 6 | Revised Vicinity Map to 1000 Scale Per Zoning Comment | 4/6/89 |
| 7 | Added Building Height and RM-6 Method of Determination of Height Per Zoning Comment | 4/6/89 |
| 8 | Added Area for Car to Back Out of Northmost Parking Space Per Zoning Comment | 4/6/89 |
| 9 | Added 30' of Median to be Removed, Note in Plan View Per Traffic Engineering Comment | 4/6/89 |
| 10 | Corrected R/W Per Developers Engineering Comment | 4/6/89 |
| 11 | Corrected Ordinance Title | 4/6/89 |
| 12 | Corrected Zoning Line in Joppa Road | 4/6/89 |
| 13 | Revised Note #23 Per Planning Comment | 4/6/89 |
| 14 | Corrected Note #13 & Note #18 | 4/25/89 |
| 15 | Removed Note #30 | 4/25/89 |
| 16 | Corrected Setbacks from Joppa Road, Existing R/W to Ultimate R/W | 4/25/89 |
| 17 | Corrected Zoning Note #1 Package Setback to be taken from Ultimate R/W | 4/25/89 |

| TYPE | LIMITATIONS - STREETS & PARKING |
|------|---------------------------------|
| JUD | SEVERE: SLOPE |
| CID | MODERATE: SLOPE |

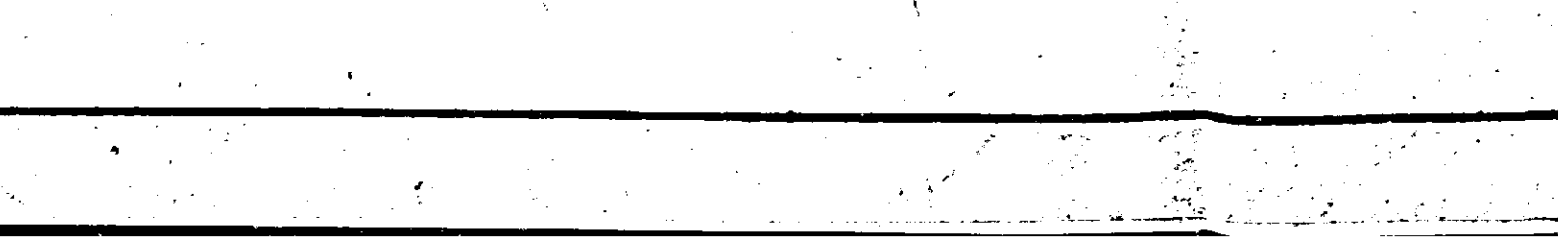
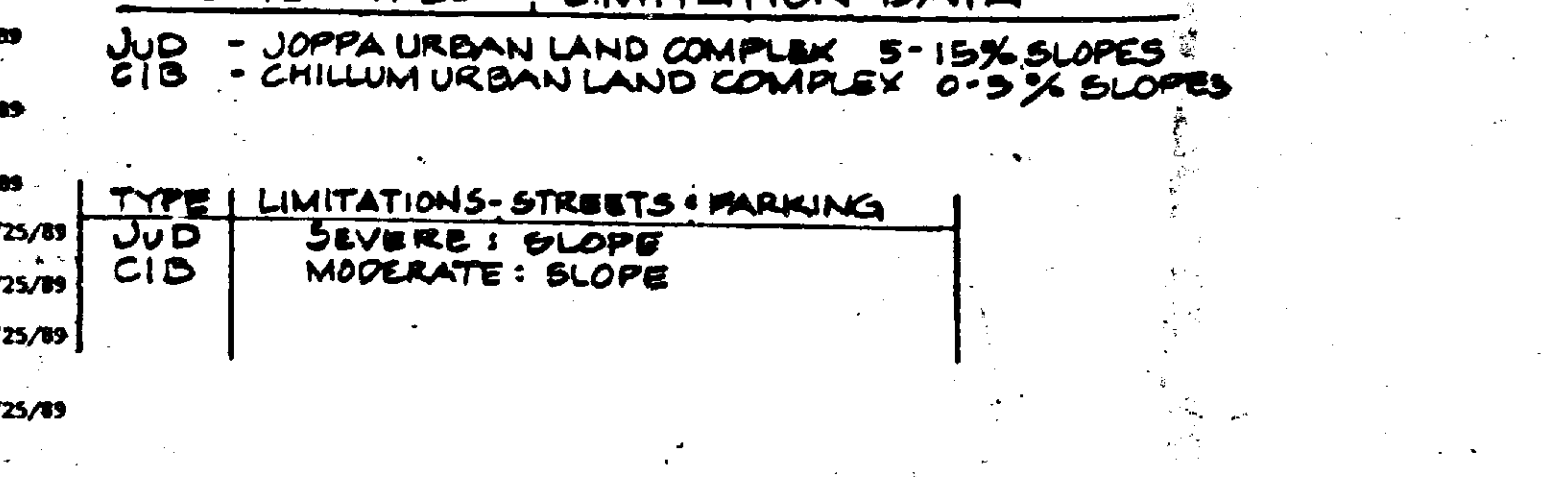
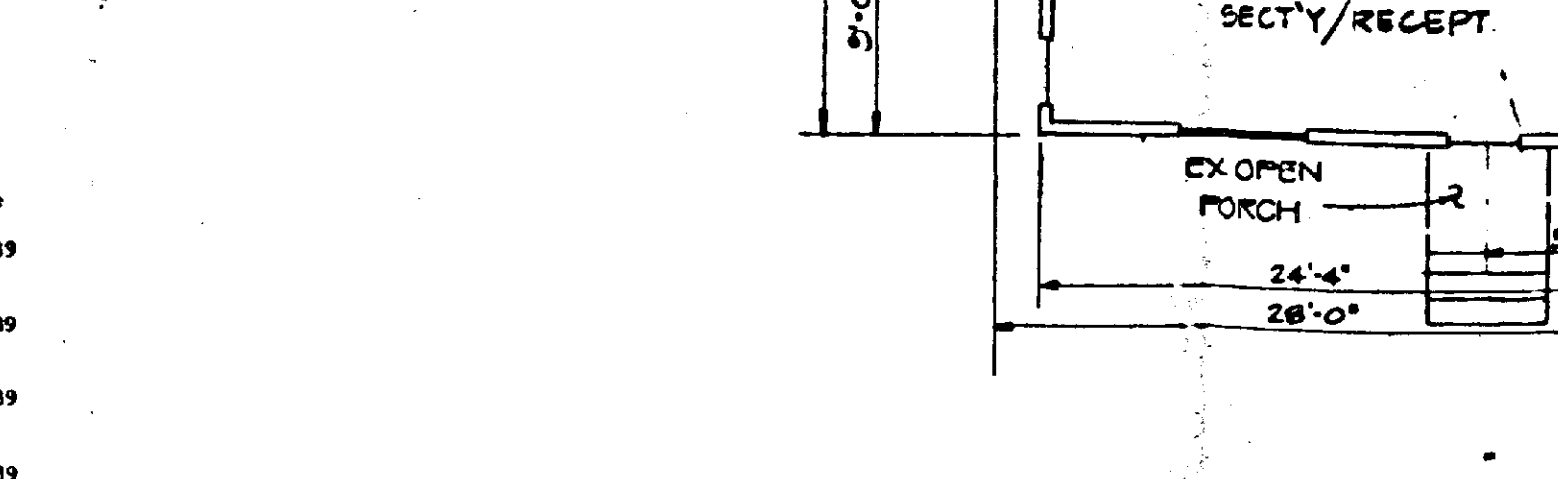
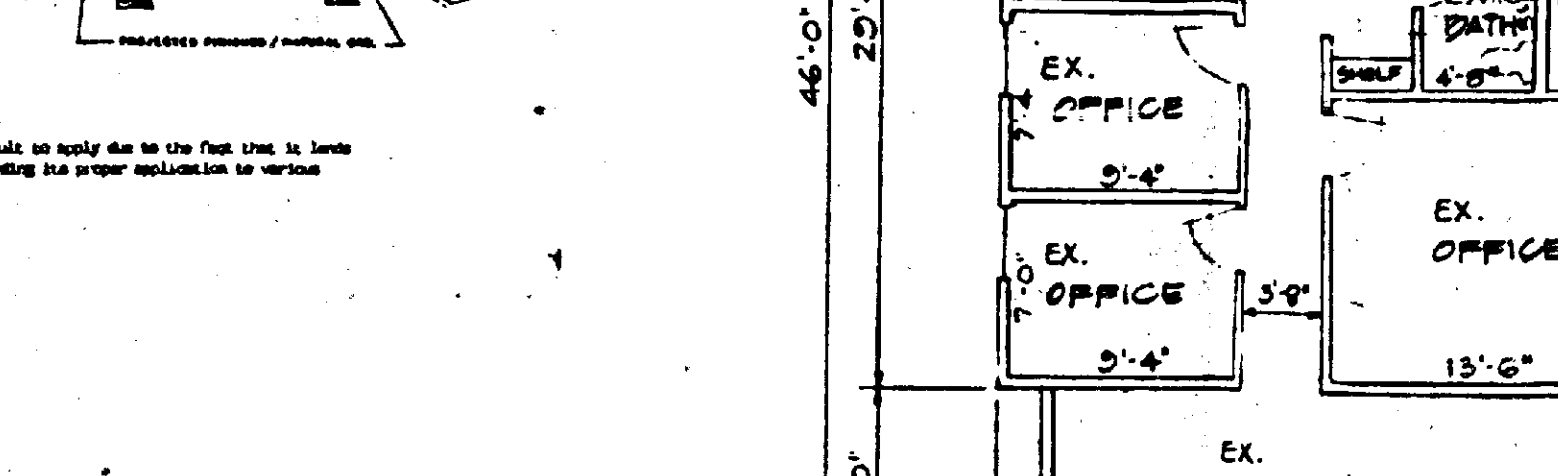
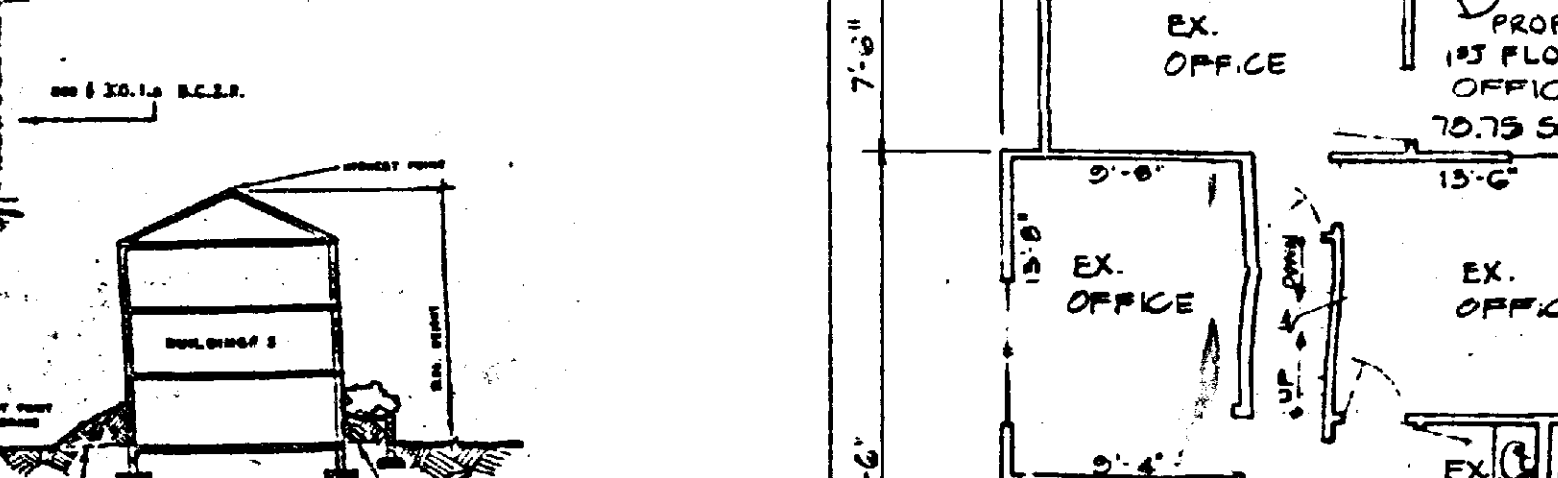
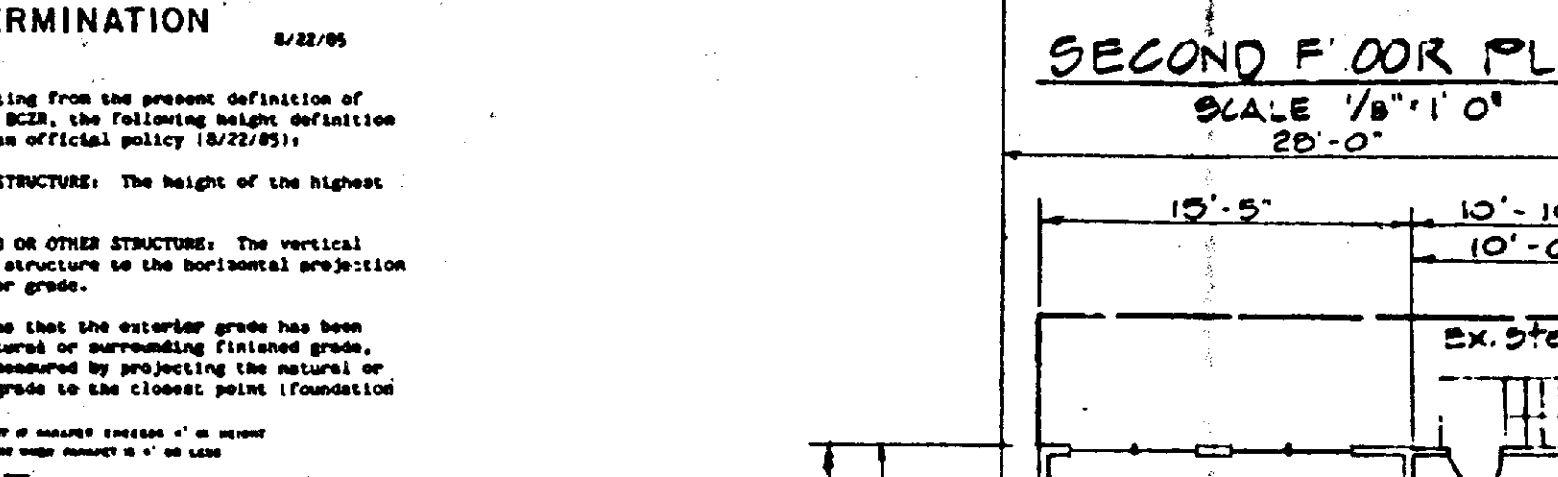
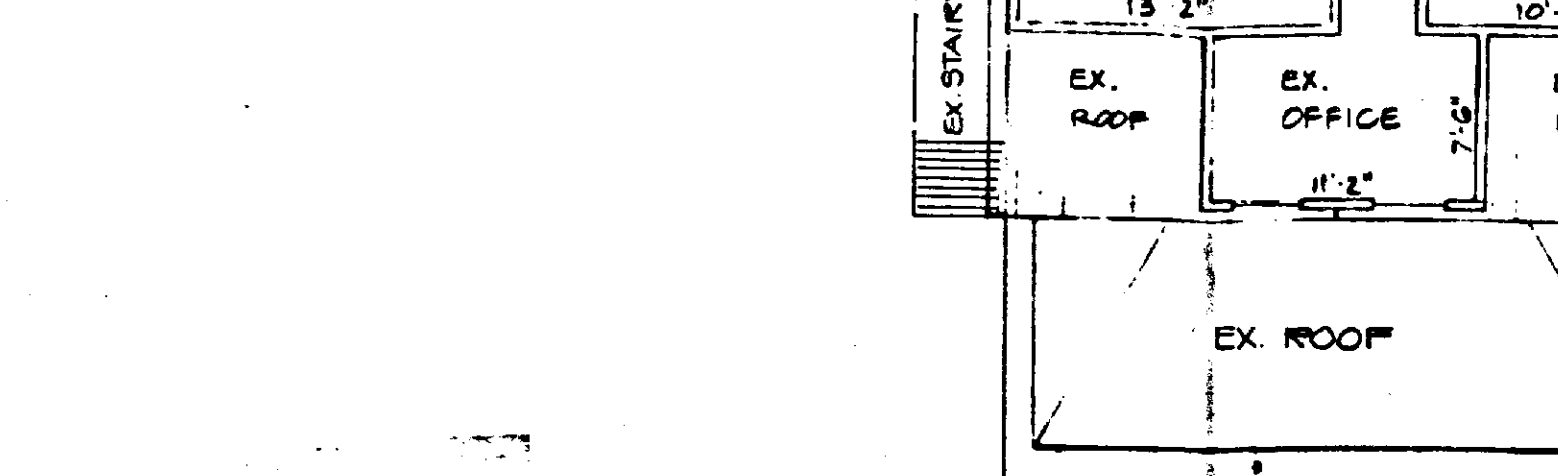
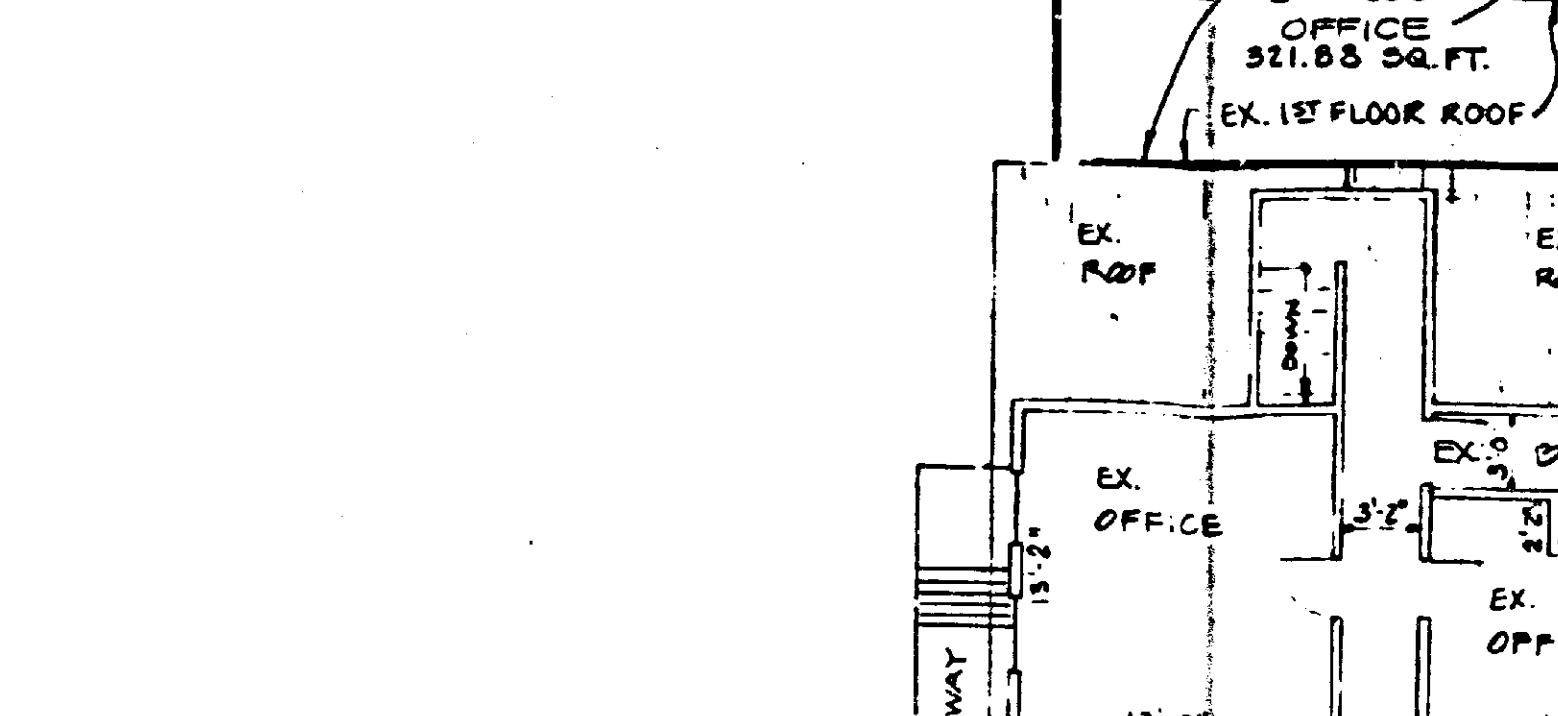
SOIL TYPES & LIMITATION DATA
JUD - JOPPA URBAN LAND COMPLEX 5-15% SLOPES
CID - CHILLUM URBAN LAND COMPLEX 0-5% SLOPES

OWNER/DEVELOPER
ROBERT & MARY E. SHADE
2010 E. JOPPA ROAD
BALTIMORE, MARYLAND 21234
DEED: G.L.D. 2099/01
PROFFER: 09-0020240
TELE: (301) 665-5300

PUBLIC SERVICES CRG. NO.: 89054
PLANNING NO.:
SHEET 1 OF 2

LEGEND

R.O.B.
B.O.L.
MINIMUM BUFFER LINE
LANDSCAPE BUFFER
SOIL TYPE DIVISION LINE
AMENITY OPEN SPACE



PETITIONER'S EXHIBIT 1

RECEIVED
MAY 3 1989
ZONING OFFICE
REVISED

CRG. PLAN
FLAT TO ACCOMPANY PETITIONS FOR VARIANCE & SPECIAL EXCEPTION FOR A CLASS "B" OFFICE BUILDING IN A R-O ZONE R/W
2010 E. JOPPA ROAD
(SHADE CONSTRUCTION CO. CLASS "B" OFFICE BUILDING)
9TH ELECTION DISTRICT
SCALE: AS SHOWN
BALTIMORE CO. MARYLAND
DATE: FEBRUARY 10, 1989
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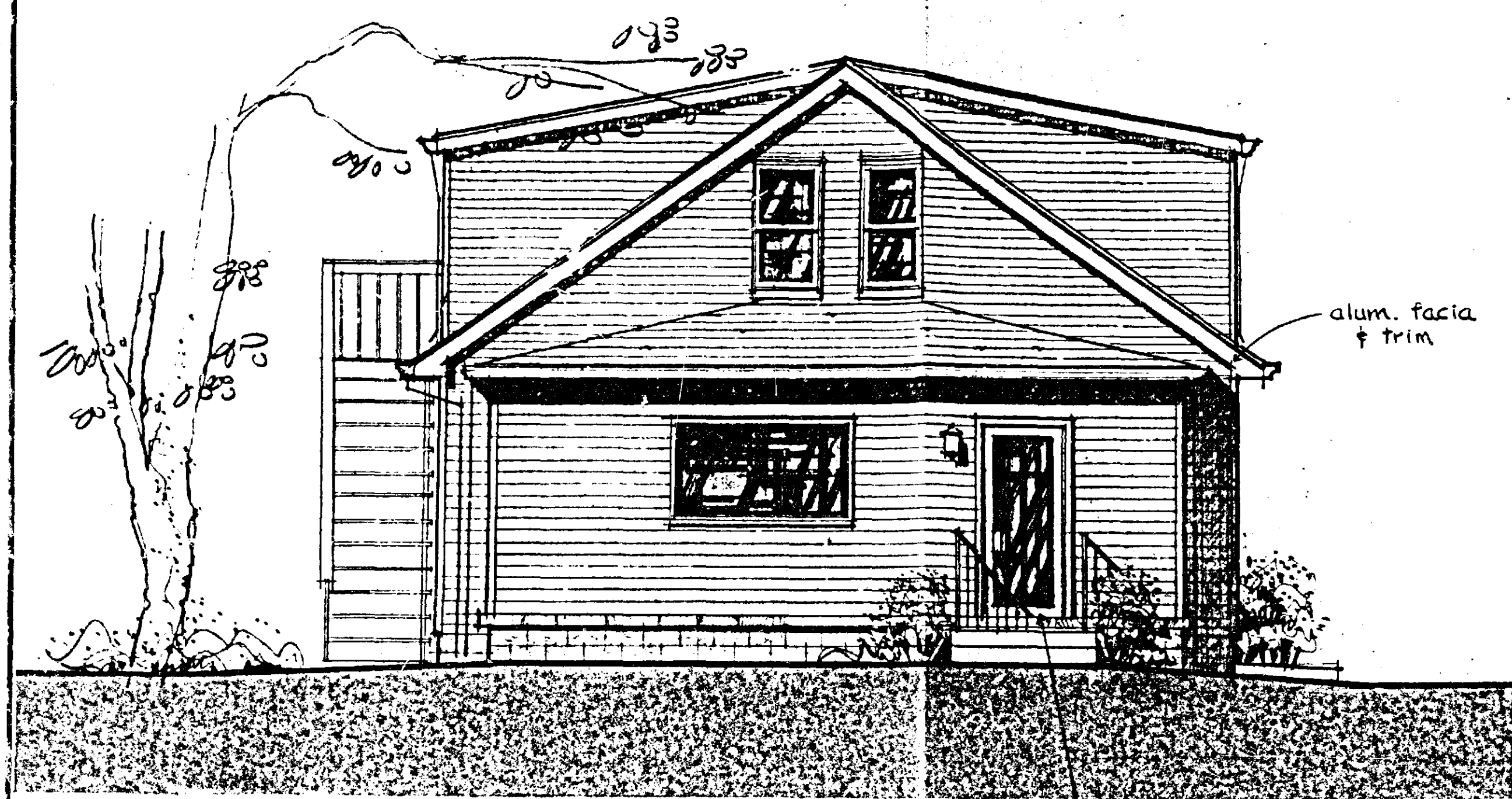
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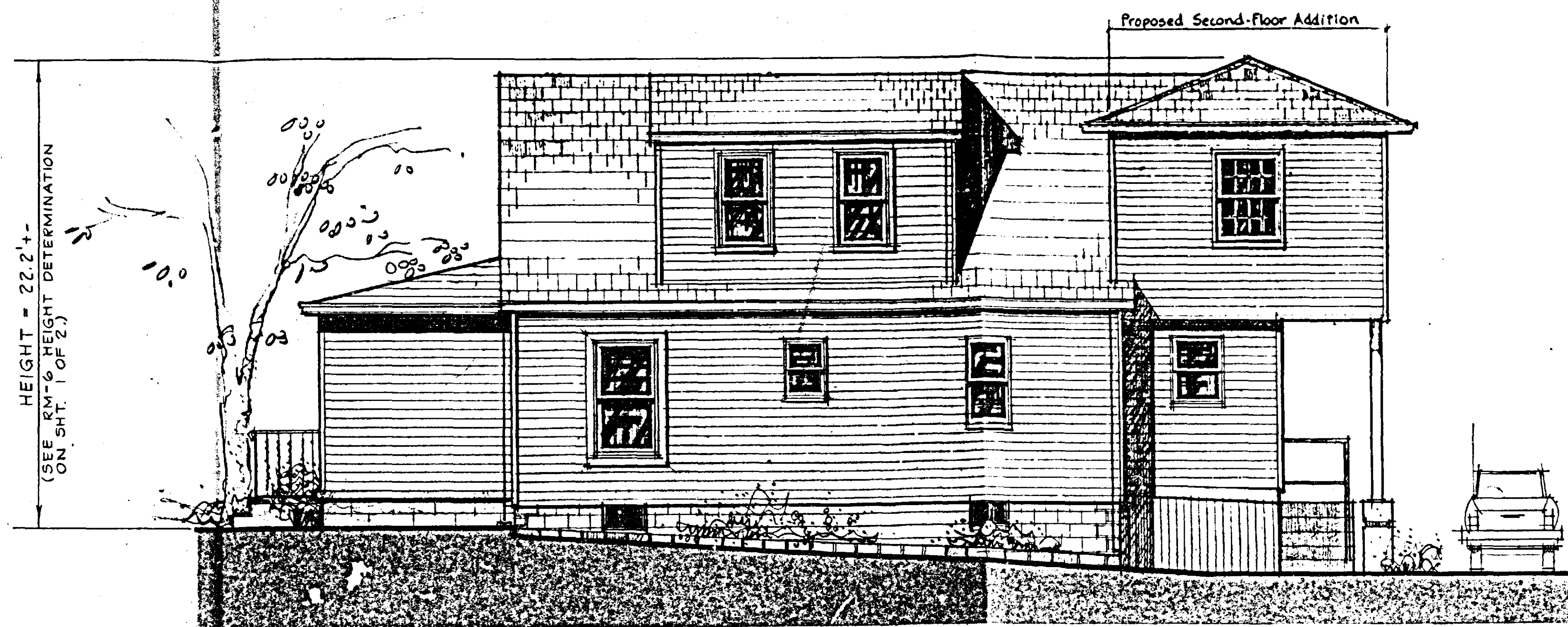
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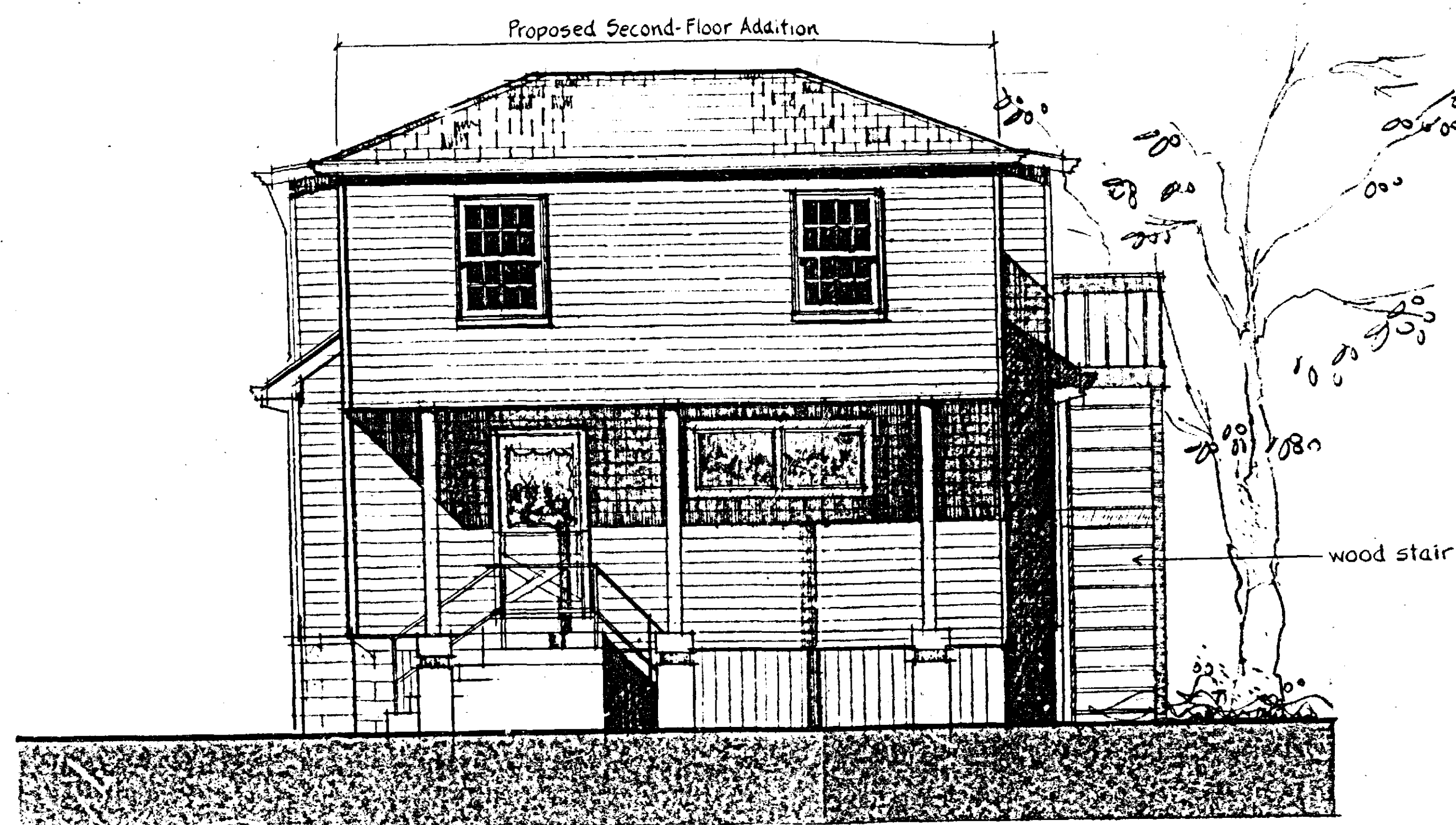
SOUTH ELEVATION

SCALE: 1/4" EQUALS 1'-0"



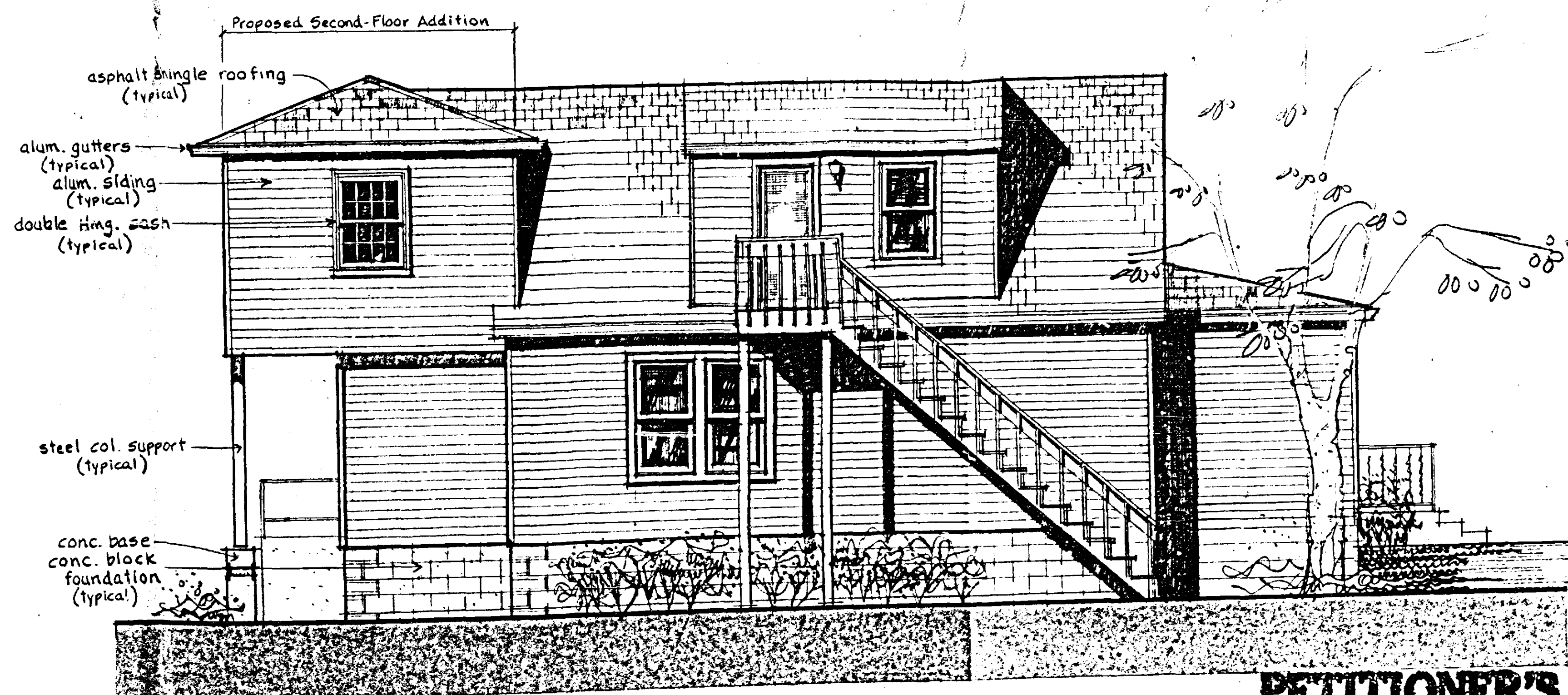
EAST ELEVATION

SCALE: 1/4" EQUALS 1'-0"



NORTH ELEVATION

SCALE: 1/4" EQUALS 1'-0"



WEST ELEVATION

SCALE: 1/4" EQUALS 1'-0"

**PETITIONER'S
EXHIBIT 2**

BUILDING ELEVATIONS REVISED
2810 E. JOPPA ROAD
(SHADE CONSTRUCTION CO.
OFFICE BUILDING)

9TH ELECTION DISTRICT BALTIMORE CO. MARYLAND
SCALE: AS SHOWN DATE: FEBRUARY 10, 1989
SHEET 2 OF 2

PUBLIC SERVICES CRG. NO.: 89054
PLANNING NO.:



W. DUVALL & ASSOCIATES, INC.
ENGINEERS - SURVEYORS - LANDSCAPE ARCHITECTS - LAND PLANNERS
530 East Joppa Road
Towson, Maryland 21204
(301) 583-8871

